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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,873	05/30/2001	Klaus-Dieter Renner	A34302 (071308.0159)	8997
7590	07/26/2005			EXAMINER
BAKER BOTTS LLP 44TH FLOOR 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-4498				LEE, ANDREW CHUNG CHEUNG
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/867,873	RENNER ET AL.
	Examiner Andrew C. Lee	Art Unit 2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03/24/2005.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. The Office would like to thank the Applicants' remarks and amendments to the Specification and Drawings as recommended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 7, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sautter et al. (U.S. Patent No. 6233248 B1).

Regarding Claim 1, Sautter et al. discloses the limitation of a communication method for two communication parties linked to each other by means of a full-duplex point-to-point connection (column 4, line 46 – 48), said method comprising: an identification phase wherein said communication parties identify themselves to one another and define communication parameters (column 5, line 19; column 6, lines 55 – 57); a configuration phase wherein communication-party-dependent configuration data is exchanged between said two communication parties (column 7, lines 7 – 9); and a data exchange phase wherein cyclical and acyclical data is exchanged between the said communication parties if the configuration phase has been successfully completed

(column 1, lines 64 – 66).

Regarding Claim 2, Sautter et al. discloses the limitation of a communication method as claimed wherein said identification phase is preceded by an initialization phase during which a second communication party is recognized by a first communication party (column 25, lines 48 – 57).

Regarding Claim 3, Sautter et al. discloses the limitation of a communication method as claimed wherein said identification phase and said configuration phase each comprising a double acknowledgement operation (column 17, lines 63 – 67).

Regarding Claim 4, Sautter et al. discloses the limitation of a communication method as claimed wherein said configuration phase can recommence at any time (column 10, lines 56 – 59).

Regarding Claim 5, Sautter et al. discloses the limitation of a communication method as claimed wherein said configuration phase is skipped (column 15, lines 47 – 48).

Regarding Claim 6, Sautter et al. discloses the limitation of a communication method as claimed wherein an absent connection during a communication is restored by a restart of said identification phase (column 26, lines 36 – 44).

Regarding Claim 7, Sautter et al. discloses the limitation of a communication method as claimed wherein said data exchange phase has at least one channel (column 1, lines 63 – 67).

Regarding Claim 11, Sautter et al. discloses the limitation of a communication method as claimed wherein a voltage potential on a connecting line of said full-duplex

point-to-point connection is evaluated for an identification of a second communication party (column 1, lines 46 – 49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sautter et al. (U.S. Patent No. 6,233248 B1) in view of Narasimhan et al. (U.S. Patent No. 6446192 B1).

Regarding Claim 8, Sautter et al. discloses the limitation of a communication method for two communication parties linked to each other by means of a full-duplex point-to-point connection (column 4, line 46 – 48), Sautter et al. does not disclose expressly the communication method as claimed wherein a first communication party comprising a converter and a second communication party comprising an option module. Narasimhan et al. discloses the limitation the communication method as claimed wherein a first communication party comprising a converter and a second communication party comprising an option module (Fig. 9, Fig 11, column 12, lines 17 – 38). It would have been obvious to modify Sautter et al. to include a communication method as claimed wherein a first communication party comprising a converter and a

second communication party comprising an option module as that taught by Narasimhan et al. in order to provide robust techniques for monitoring and controlling many different type of remote equipment over computer networks.

Regarding Claim 9, Sautter et al. discloses the limitation of a communication method for two communication parties linked to each other by means of a full-duplex point-to-point connection (column 4, line 46 – 48), Sautter et al. does not disclose expressly the communication method as claimed wherein said option module comprising an automation module. Narasimhan et al. discloses the limitation the communication method as claimed wherein said option module comprising an automation module (Fig. 9, Fig 11, column 12, lines 17 – 38). It would have been obvious to modify Sautter et al. to include a communication method as claimed wherein said option module comprising an automation module as that taught by Narasimhan et al. in order to provide robust techniques for monitoring and controlling many different type of remote equipment over computer networks.

Regarding Claim 10, Sautter et al. discloses the limitation of a communication method for two communication parties linked to each other by means of a full-duplex point-to-point connection (column 4, line 46 – 48), Sautter et al. does not disclose expressly the communication method as claimed wherein said option module comprising a technology module. Narasimhan et al. discloses the limitation the communication method as claimed wherein said option module comprising a technology module (Fig. 9, Fig 11, column 12, lines 17 – 38). It would have been obvious to modify Sautter et al. to include a communication method as claimed wherein said option

module comprising a technology module as that taught by Narasimhan et al. in order to provide robust techniques for monitoring and controlling many different type of remote equipment over computer networks.

***Response to Arguments***

6. Applicant's arguments filed 02/14/2005 have been fully considered but they are not persuasive. Regarding claim 1, Applicants argue that Sautter et al. does not disclose or teach a communication method which is subdivided into three phases, i.e., identifying phase, configuring phase and data exchange phase as claimed. Examiner contends Sautter et al. does disclose a communication method including three phases, i.e., identifying phase, configuring phase and data exchange phase as claimed (identifying phase : see column 5, line 19, "generates ID a message by a user" implies communication parties identify themselves to one another; column 6, lines 55 – 57, see Fig. 2F, message exchange; configuring phase: see column 7, lines 7 – 14; data exchange phase: see column 1, lines 64 – 66).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ajit Patel  
Primary Examiner